

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NICHOLAS PLAGAKIS,  
Plaintiff,

v.

OUTSOURCE UTILITY CONTRACTOR  
CORP.,  
Defendant.

Case No. 1:23-cv-00798-CDB

ORDER ON STIPULATION CONSOLIDATING  
CASES PURSUANT TO RULE 42(a)

NICHOLAS PLAGAKIS,  
Plaintiff,

v.

OUTSOURCE UTILITY CONTRACTOR  
CORP.,  
Defendant.

Case No. 1:23-cv-01119-CDB

ORDER ON STIPULATION CONSOLIDATING  
CASES PURSUANT TO RULE 42(a)

On April 11, 2023, Plaintiff Nicholas Plagakis (“Plaintiff”) filed a putative class action against Defendant Outsource Utility Contractor Corp. (“Defendant”) in the Superior Court of the State of California, County of Kern. *Plagakis*, No. 1:23-cv-00798-CDB at Doc. 1. Defendant removed Plaintiff’s putative class action to this Court on May 24, 2023. *Id.* On June 15, 2023, Plaintiff filed an

1 action pursuant to California’s Private Attorney General Action (PAGA) in the Superior Court of the  
2 State of California, County of Kern. *Plagakis*, No. 1:23-cv-01119-CDB at Doc. 1. Defendant  
3 removed Plaintiff’s PAGA action to this Court on July 26, 2023. *Id.*

4 Pending before the Court is the parties’ stipulation to consolidate these two cases. *Plagakis*,  
5 No. 1:23-cv-00798-CDB at Doc. 21. The parties represent both cases arise out of the same  
6 employment relationship between Plaintiff, the putative class and/or allegedly similarly aggrieved  
7 employees, and Defendant. *Id.* at 2. Further, the parties stipulate these cases present common  
8 questions of fact and law, and consolidation is appropriate pursuant to Federal Rule of Civil Procedure  
9 42(a). *Id.*

10 When multiple actions pending before a court involve common questions of law or fact, the  
11 court may order a joint hearing or trial of any or all matters at issue in the actions; consolidate the  
12 actions; and/or issue any other orders to avoid unnecessary cost or delay. Fed. R. Civ. P. 42(a). The  
13 court has “broad discretion” to determine whether and to what extent consolidation is appropriate. *See*  
14 *Garity v. APWU Nat’l Labor Org.*, 828 F.3d 848, 855-56 (9th Cir. 2016) (*citing Inv’rs Research Co. v.*  
15 *U.S. Dist. Ct. for the Cent. Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989)). “Typically, consolidation  
16 is a favored procedure.” *Blount v. Boston Scientific Corporation*, No. 1:19-cv-00578-AWI-SAB,  
17 2019 WL 3943872, \*2 (E.D. Cal. Aug. 21, 2019) (*citing In re Oreck Corp. Halo Vacuum & Air*  
18 *Purifiers Mktg. & Sales Practices Litig.*, 282 F.R.D. 486, 491 (C.D. Cal. 2012)). In deciding whether  
19 to consolidate actions, the court “weighs the saving of time and effort consolidation would produce  
20 against any inconvenience, delay, or expense that it would cause.” *Huene v. United States*, 743 F.2d  
21 703, 704 (9th Cir. 1984); *Single Chip Sys. Corp. v. Intermec IP Corp.*, 495 F.Supp.2d 1052, 1057  
22 (S.D. Cal. 2007).

23 Here, the Court finds there are significant and substantial common issues of fact and law that  
24 warrant consolidation under Rule 42(a). Moreover, the Court agrees with the parties the benefit of  
25 consolidation would reduce the burden on judicial resources, the parties, and the witnesses, eliminate  
26 the risk of inconsistent adjudications, avoid prejudice, and allow for the orderly and expeditious  
27 resolution of both cases to consolidate the actions into one proceeding.

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1 Accordingly, IT IS HEREBY ORDERED:

- 2 1. The actions denominated as *Plagakis*, No. 1:23-cv-00798-CDB, and *Plagakis*, No.  
3 1:23-cv-01119-CDB are CONSOLIDATED under Rule 42(a) for all purposes;  
4 2. All future filings in the consolidated action shall be submitted under lead case No.  
5 1:23-cv-00798;  
6 3. The scheduling conference in *Plagakis*, No. 1:23-cv-01119-CDB, currently set for  
7 October 2023, is VACATED; and  
8 4. Defendant's fully briefed motions to dismiss in the lead case (Doc. 4) and member case  
9 (Doc. 6) are SUBMITTED.

10 IT IS SO ORDERED.

11 Dated: September 8, 2023

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14 UNITED STATES MAGISTRATE JUDGE  
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